

AN ACT

RELATING TO AND MAKING, REDUCING, AND TRANSFERRING
APPROPRIATIONS TO STATE DEPARTMENTS AND AGENCIES FROM
THE REBUILD IOWA INFRASTRUCTURE FUND, THE TECHNOLOGY
REINVESTMENT FUND, THE REVENUE BONDS CAPITALS FUND, AND
OTHER FUNDS, PROVIDING FOR RELATED MATTERS AND INCLUDING
EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

REBUILD IOWA INFRASTRUCTURE FUND

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 - a. For exterior repairs and related improvements to the state historical building:
FY 2011-2012..... \$ 1,200,000
 - b. For infrastructure improvements, including fire safety and security systems, in the secretary of state offices in the Lucas state office building:
FY 2011-2012..... \$ 45,000
2. DEPARTMENT FOR THE BLIND
For replacement of air handlers and related improvements:
FY 2011-2012..... \$ 1,065,674
3. DEPARTMENT OF CORRECTIONS
 - a. For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:
FY 2011-2012..... \$ 5,155,077

FY 2012-2013..... \$ 18,269,124
FY 2013-2014..... \$ 3,000,000

b. For the construction project and one-time equipment costs at the Iowa correctional facility for women at Mitchellville:

FY 2011-2012..... \$ 3,061,556
FY 2012-2013..... \$ 5,391,062
FY 2013-2014..... \$ 26,769,040

4. DEPARTMENT OF CULTURAL AFFAIRS

For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 1,000,000

Of the amounts appropriated in this subsection, up to \$45,000 may be used per fiscal year for administration of the Iowa great places grant program, notwithstanding section 8.57, subsection 6, paragraph "c".

5. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 500,000

c. For costs associated with the renovation, expansion, and improvements of exhibits as part of a zoo capital campaign located in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2011-2012..... \$ 0

d. For interior and exterior renovations and repairs of cabins, including improved energy efficiencies and for compliance with the federal Americans with Disabilities Act, at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2011-2012..... \$ 250,000

e. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 100,000

6. DEPARTMENT OF EDUCATION

a. To the public broadcasting division for the purchase of a building in the city of Johnston:

FY 2011-2012..... \$ 1,255,550

b. For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act, for state buildings and facilities under the purview of the community colleges:

FY 2011-2012..... \$ 1,000,000

7. DEPARTMENT OF HUMAN SERVICES

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2011-2012..... \$ 285,000

8. DEPARTMENT OF NATURAL RESOURCES

a. For floodplain management and dam safety, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 2,000,000

Of the amounts appropriated in this lettered paragraph, up to \$400,000 is authorized for stream gages to be used for tracking and predicting flood events and for compiling necessary data relating to flood frequency analysis.

b. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 5,459,000

Of the amount appropriated in this lettered paragraph, \$350,000 shall be allocated to a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district. The allocated moneys shall be used for purposes of completing a preconstruction dam restoration study that would include a geotechnical evaluation, hydrological studies, restoration alternatives, and construction specifications. The preconstruction dam restoration study shall be filed with the general assembly upon completion.

It is the intent of the general assembly that money shall be appropriated for the restoration and reconstruction of the dam for FY 2012-2013 and FY 2013-2014. Funding shall be contingent upon receipt of the study by the general assembly.

c. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 75,000

d. For costs associated with the hiring and employment of an asset manager at Honey creek resort state park, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 75,000

9. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

FY 2011-2012..... \$ 2,000,000

b. For renovation and facility improvements at the Muscatine readiness center:

FY 2011-2012..... \$ 100,000

c. For construction improvement projects at statewide readiness centers:

FY 2011-2012..... \$ 1,800,000

d. For construction upgrades at Camp Dodge including sanitary system and sewer system improvements:

FY 2011-2012..... \$ 1,000,000

e. For renovation, repair, and related improvements at the joint forces headquarters building:

FY 2011-2012..... \$ 1,000,000

10. BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2011-2012..... \$ 24,305,412

b. For the Iowa flood center at the state university of Iowa for use by the university's college of engineering, pursuant to section 466C.1, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 1,300,000

c. For projects for immediate fire safety needs and for compliance with the federal Americans with Disabilities Act, at the regents institutions:

FY 2011-2012..... \$ 2,000,000

FY 2012-2013..... \$ 2,000,000

d. For construction, renovation, and related improvements for phase II of the agricultural and biosystems engineering complex, including classrooms, laboratories, and offices at Iowa state university of science and technology:

FY 2011-2012..... \$ 1,000,000

FY 2012-2013..... \$ 20,800,000

FY 2013-2014..... \$ 20,000,000

FY 2014-2015..... \$ 18,600,000

e. For the renovation and related improvements to the dental science building at the state university of Iowa including but not limited to renovation of clinical spaces and development of a multidisciplinary clinical area:

FY 2011-2012..... \$ 1,000,000

FY 2012-2013..... \$ 12,000,000

FY 2013-2014..... \$ 8,000,000

FY 2014-2015..... \$ 8,000,000

f. For renovation and related improvements for Bartlett hall at the university of northern Iowa including providing faculty offices, seminar rooms, and laboratories in the building and the associated demolition of Baker hall:

FY 2011-2012..... \$ 1,000,000

FY 2012-2013..... \$ 8,286,000

FY 2013-2014..... \$ 9,767,000

FY 2014-2015..... \$ 1,947,000

11. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2011-2012..... \$ 3,000,000

b. For deposit into the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 1,500,000

c. For infrastructure improvements at the commercial service airports within the state:

FY 2011-2012..... \$ 1,500,000

d. For infrastructure improvements at general aviation

airports within the state:

FY 2011-2012..... \$ 750,000

12. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

FY 2011-2012..... \$ 1,060,000

13. DEPARTMENT OF VETERANS AFFAIRS

a. For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 1,000,000

b. For the Iowa veterans home to upgrade generator emissions controls to meet required stack emissions for four generators and related improvements:

FY 2011-2012..... \$ 250,000

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II

TECHNOLOGY REINVESTMENT FUND

Sec. 3. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For technology improvement projects:

FY 2011-2012..... \$ 1,643,728

2. DEPARTMENT OF CORRECTIONS

For costs associated with the Iowa corrections offender network data system:

FY 2011-2012..... \$ 500,000

3. DEPARTMENT OF EDUCATION

a. For maintenance and lease costs associated with connections for part III of the Iowa communications network:
FY 2011-2012..... \$ 2,727,000

b. For the implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:
FY 2011-2012..... \$ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

4. DEPARTMENT OF HUMAN RIGHTS

For the cost of equipment and computer software for the implementation of Iowa's criminal justice information system:
FY 2011-2012..... \$ 1,689,307

5. DEPARTMENT OF HUMAN SERVICES

a. To be used for medical contracts under the medical assistance program for technology upgrades necessary to support Medicaid claims and other health operations, worldwide HIPAA claims transactions and coding requirements, and the Iowa automated benefits calculation system:
FY 2011-2012..... \$ 3,494,176
FY 2012-2013..... \$ 4,667,600
FY 2013-2014..... \$ 4,267,600
FY 2014-2015..... \$ 1,945,684

b. For the purchase of software and for training costs associated with the purchase of the software for a community-based, nonprofit, nonresidential program serving persons with disabilities, notwithstanding section 8.57C, subsection 2:
FY 2011-2012..... \$ 11,000

6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:
FY 2011-2012..... \$ 2,248,653

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operation and maintenance costs of the network.

In addition to funds appropriated in this subsection, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of

this subsection, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

7. DEPARTMENT OF MANAGEMENT

To develop a searchable database that can be placed on the internet for budget and financial information:

FY 2011-2012..... \$ 50,000

8. DEPARTMENT OF PUBLIC SAFETY

a. For the provision of a statewide public safety radio network and the purchase of compatible radio communications equipment with the goal of achieving compliance with the federal communications commission's narrowbanding mandate deadline, and for achieving "interoperability", as defined in section 80.28:

FY 2011-2012..... \$ 2,500,000

FY 2012-2013..... \$ 2,500,000

FY 2013-2014..... \$ 2,500,000

Of the amounts appropriated in this lettered paragraph, the department of public safety may enter into a public-private partnership, through a competitive bidding process, for the provision of the statewide network and the purchase of compatible equipment.

On or before January 13, 2012, the department of public safety shall provide a report to the legislative services agency and the department of management. The report shall detail the status of the funds appropriated in this subsection and shall include the estimated needs of the departments of public safety, corrections, and natural resources to achieve interoperability and to meet the federal narrowbanding mandate, any changes in estimated costs to meet those needs, and the status of requests for proposals to develop a public-private partnership.

b. For transfer to a firefighter association in a county with a population between ninety thousand and ninety-five thousand as determined by the 2010 federal decennial census for a driving simulator to enhance the association's emergency vehicle operations course:

FY 2011-2012..... \$ 80,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act

shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
REVENUE BONDS CAPITALS
FUND — APPROPRIATIONS

Sec. 5. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

For the construction project and one-time equipment costs at the Iowa correctional facility for women at Mitchellville:
..... \$ 4,430,952

2. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:
..... \$ 500,000

Moneys appropriated in this subsection shall not be used for purposes of the Iowa building.

For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION IV
REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

Sec. 6. There is appropriated from the revenue bonds capitals II fund created in section 12.88A, to the following departments for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2011-2012..... \$ 2,020,000

Moneys appropriated in this lettered paragraph shall not be used for purposes of the Iowa building.

b. DEPARTMENT OF ECONOMIC DEVELOPMENT

For deposit into the community attraction and tourism fund created in section 15F.204:

FY 2011-2012..... \$ 2,020,000

Moneys appropriated for grants awarded pursuant to this lettered paragraph shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section shall not revert but shall remain available for expenditures for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION V

PUBLIC BIDDING AND CONTRACTING

Sec. 7. Section 73A.21, Code 2011, is amended to read as follows:

73A.21 Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties.

1. For purposes of this section:

a. "Commissioner" means the labor commissioner appointed pursuant to section 91.2, or the labor commissioner's designee.

b. "Division" means the division of labor of the department of workforce development.

c. "Nonresident bidder" means a person or entity who does not meet the definition of a resident bidder.

d. "Public body" means the state and any of its political subdivisions, including a school district, public utility, or the state board of regents.

a. e. "Public improvement" means ~~public improvements as defined in section 73A.1~~ a building or other construction work to be paid for in whole or in part by the use of funds of the

state, its agencies, and any of its political subdivisions and includes road construction, reconstruction, and maintenance projects.

f. "Public utility" includes municipally owned utilities and municipally owned waterworks.

b. g. "Resident bidder" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least ~~six months~~ three years prior to the date of the first advertisement for the public improvement and in the case of a corporation, having at least fifty percent of its common stock owned by residents of this state and which will utilize, to the greatest extent possible, resident subcontractors on the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

h. "Resident labor force preference" means a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

i. "Resident subcontractor" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting or has conducted business in this state for at least three years prior to the date of the first advertisement for the public improvement.

2. Notwithstanding this chapter, chapter 73, chapter 309, chapter 310, chapter 331, or chapter 384, when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country which if that state or foreign country gives or requires a any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference ~~is~~ allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be

required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

~~3. This section applies to the state, its agencies, and any political subdivisions of the state.~~

4. 3. If it is determined that this may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. The public body involved in a public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The commissioner and the division shall administer and enforce this section, and the commissioner shall adopt rules for the administration and enforcement of this section as provided in section 91.6.

6. The commissioner shall have the following powers and duties for the purposes of this section:

a. The commissioner may hold hearings and investigate charges of violations of this section.

b. The commissioner may, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The commissioner shall only make such an entry in response to a written complaint.

c. The commissioner shall develop a written complaint form applicable to this section and make it available in division offices and on the department of workforce development's internet site.

d. The commissioner may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section.

e. The commissioner may investigate and ascertain the residency of a worker engaged in any public improvement in this state.

f. The commissioner may administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing.

g. The commissioner may employ qualified personnel as are necessary for the enforcement of this section. Such personnel shall be employed pursuant to the merit system provisions of chapter 8A, subchapter IV.

h. The commissioner shall require a contractor or subcontractor to file, within ten days of receipt of a request, any records enumerated in subsection 7. If the contractor or subcontractor fails to provide the requested records within ten days, the commissioner may direct, within fifteen days after the end of the ten-day period, that the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to immediately withhold from payment to the contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records as required by this section has been satisfied.

7. While participating in a public improvement, a nonresident bidder domiciled in a state or country that has established a resident labor force preference shall make and keep, for a period of not less than three years, accurate records of all workers employed by the contractor or subcontractor on the public improvement. The records shall include each worker's name, address, telephone number when available, social security number, trade classification, and the starting and ending time of employment.

8. Any person or entity that violates the provisions of this section is subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the division, not to exceed five thousand dollars for each violation found in a second investigation by the division, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the division. Each violation of this section

for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the division shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the division.

9. A party seeking review of the division's determination pursuant to this section may file a written request for an informal conference. The request must be received by the division within fifteen days after the date of issuance of the division's determination. During the conference, the party seeking review may present written or oral information and arguments as to why the division's determination should be amended or vacated. The division shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

Sec. 8. Section 331.341, subsection 2, Code 2011, is amended to read as follows:

2. The board shall give preference to Iowa products ~~and labor~~ in accordance with chapter 73 and shall comply with bid and contract requirements in chapter 26.

Sec. 9. REPEAL. Sections 73.3 and 73.4, Code 2011, are repealed.

Sec. 10. EFFECTIVE DATE. This division of this Act takes effect September 1, 2011.

Sec. 11. APPLICABILITY. This division of this Act applies to all public improvement, public works, and public road projects, and to public improvement, public works, and public road contracts entered into on or after the effective date of this division of this Act.

DIVISION VI

GROW IOWA VALUES FUND

Sec. 12. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the \$50,000,000 appropriated for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, \$15,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. 13. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 11, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the \$15,000,000 appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 11:

1. For departmental purposes, \$8,550,000. Of the moneys allocated in this subsection, the department may use up to \$600,000 for administrative costs.

2. For the state board of regents institutions, \$1,500,000.

3. For state parks, \$300,000.

4. For deposit in the Iowa cultural trust fund, \$300,000.

5. For community colleges for deposit in the workforce training and economic development funds pursuant to section 260C.18A, \$2,100,000.

6. For regional financial assistance, \$300,000. Of the moneys allocated in this subsection, the department shall transfer \$105,000 to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.

7. For innovation and commercialization services, \$1,650,000.

8. For targeted small business, \$300,000.

Sec. 14. NEW SECTION. 15G.107 Subchapter repealed — new program proposal.

1. This subchapter of this chapter is repealed on June 30, 2012.

2. On or before November 30, 2011, the department of economic development shall propose to the general assembly a new business development financial assistance program.

3. On or before November 30, 2011, the department of economic development shall propose to the general assembly any changes in law necessary to implement the repeal of this subchapter.

Sec. 15. Section 15G.110, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15G.110 Appropriation.

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated to the department of economic development fifteen million dollars from the rebuild Iowa infrastructure fund for deposit in the grow Iowa values fund,

notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 16. Section 15G.111, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the department, with the approval of the board, may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph "a".

DIVISION VII

GAMBLING REVENUES — CONTINGENT APPROPRIATION

Sec. 17. GAMBLING REVENUES — APPROPRIATION. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated from the rebuild Iowa infrastructure fund an amount not to exceed two million dollars of any gambling revenues in excess of the revenue estimate determined by the revenue estimating conference on March 25, 2011, for the fiscal year ending June 30, 2011, pursuant to section 8.22A, subsection 5, paragraph "b", to the department of economic development for deposit into the community attraction and tourism fund created in section 15F.204, notwithstanding section 8.57, subsection 6, paragraph "c".

DIVISION VIII

MISCELLANEOUS CODE CHANGES

Sec. 18. Section 8.57, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. Moneys in the fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, "*vertical infrastructure*" includes only land acquisition and construction; major renovation and major repair of buildings; all appurtenant structures; utilities; site development; and recreational trails; and debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions. "*Vertical infrastructure*" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

Sec. 19. Section 8.57, subsection 6, paragraph f, Code 2011, is amended to read as follows:

f. There is appropriated from the rebuild Iowa infrastructure fund to the secure an advanced vision for

education fund created in section 423F.2, for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, ~~and for each fiscal year of the fiscal period beginning July 1, 2011, and ending June 30, 2014,~~ the amount of the moneys in excess of the first forty-seven million dollars credited to the rebuild Iowa infrastructure fund during the fiscal year, not to exceed ten million dollars.

Sec. 20. Section 8.57A, subsection 4, Code 2011, is amended to read as follows:

4. a. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal ~~years~~ year beginning July ~~1, 2008, July 1, 2009, and July 1, 2011~~ 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the ~~fiscal year period~~ beginning July 1, 2010, and ending June 30, ~~2011~~ 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 21. Section 8.57C, subsection 3, paragraphs a and c, Code 2011, are amended to read as follows:

a. There is appropriated from the general fund of the state for the fiscal ~~years~~ year beginning July ~~1, 2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 22. Section 8.57C, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of fifteen million, five hundred forty-one thousand dollars to the technology

reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 23. Section 8A.321, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) The department shall annually issue a request for proposals for leasing privately owned office space for state employees in the downtown area of the city of Des Moines. Prior to replacing or renovating publicly owned buildings or relocating any state agencies to any space in publicly owned buildings, the department shall use such proposals to compare the costs of privately owned space to publicly owned space. The department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

(2) Subparagraph (1) shall not apply when emergency circumstances exist. Actions taken during an emergency which would otherwise violate subparagraph (1) shall be limited in scope and duration to meet the emergency. An emergency includes but is not limited to a condition that does any of the following:

(a) Threatens public health, welfare, or safety.

(b) In which there is a need to protect the health, welfare, or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.

(c) In which the department or agency must act to preserve critical services or programs.

(d) In which the need is a result of events or circumstances not reasonably foreseeable.

Sec. 24. Section 12.82, subsection 1, Code 2011, is amended to read as follows:

1. A school infrastructure fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education. The Notwithstanding any other provision of this chapter, the fund shall be used for purposes of the school infrastructure program established in section 292.2.

Sec. 25. Section 12.82, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund.

Sec. 26. Section 15F.204, subsection 8, paragraph a, subparagraphs (6) and (7), Code 2011, are amended to read as follows:

(6) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of ~~five~~ three million three hundred thousand dollars.

(7) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of ~~five~~ fifteen million dollars.

Sec. 27. Section 15F.204, subsection 8, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 28. Section 16.193, subsection 2, Code 2011, is amended to read as follows:

~~2. During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A~~ For the period beginning July 1, 2009, and ending June 30, 2011, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 29. EFFECTIVE AND APPLICABILITY DATES. The sections of this division amending section 12.82, being deemed of immediate importance, take effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION IX
CHANGES TO PRIOR APPROPRIATIONS

Sec. 30. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, as amended by 2010 Iowa Acts, chapter 1184, section 51, is amended to read as follows:

d. For allocation to the public broadcasting division for costs of installation of digital and analog television for Iowa public television facilities, notwithstanding section 8.57, subsection 5 ~~6~~, paragraph "c":

FY 2004-2005.....	\$ 8,000,000
FY 2005-2006.....	\$ 8,000,000

FY 2006-2007..... \$ 2,300,000

Of the amounts appropriated in this lettered paragraph, up to a maximum of \$1,000,000 may be used for operational costs of the division for the fiscal years beginning July 1, 2011, and July 1, 2012.

Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175, section 290, or any other provision of law, moneys allocated in this lettered paragraph that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012. ~~However, if the projects for which the moneys are appropriated are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that fiscal year.~~

Sec. 31. 2006 Iowa Acts, chapter 1179, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Except for the allocation to Des Moines area community college and notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, in this division of this Act to the department of public safety for allocation to the division of fire protection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier. This subsection shall apply in lieu of subsection 1 of this section.

Sec. 32. 2007 Iowa Acts, chapter 219, section 2, is amended to read as follows:

SEC. 2. REVERSION.

1. Notwithstanding Except as provided in subsection 2 and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

2. a. Notwithstanding section 8.33, moneys appropriated in section 1, subsection 1, paragraphs "a" and "f" of this

division of this Act that remain unencumbered or unobligated at the close of the fiscal year for which they were appropriated shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

b. The department of administrative services is authorized to provide for the disposition and relocation of structures located at 707 east locust and 709 east locust, Des Moines, Iowa, in a manner as deemed appropriate by the department. The disposition of the structures, if possible, shall be completed in a manner that reduces or eliminates the costs of the state associated with the removal of the structures from their current locations. Any amount received from the disposition of the structures as permitted under this section shall be retained by the department to pay for improvement costs associated with the restoration of the west capitol terrace. The department, if unable to otherwise dispose of the structures, is authorized to demolish the structures using other appropriate funding available to the department.

Sec. 33. 2008 Iowa Acts, chapter 1179, section 7, as amended by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts, chapter 1184, section 58, is amended to read as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

FY 2009-2010.....	\$	0
FY 2010-2011.....	\$	0
FY 2011-2012.....	\$	10,000,000
		<u>0</u>
FY 2012-2013.....	\$	10,000,000
		<u>0</u>

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the~~

..... \$ 4,000,000
0

Sec. 38. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, unnumbered paragraph 2, is amended to read as follows:

Moneys appropriated for grants awarded in ~~paragraphs~~ paragraph "a" and "b" shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

Sec. 39. 2010 Iowa Acts, chapter 1184, section 10, subsection 8, is amended to read as follows:

8. TREASURER OF STATE

For transfer to the watershed improvement review board created in section 466A.3 for grants associated with ~~the construction and restoration of wetland easements and flood prevention~~ watershed improvement projects:

..... \$ 2,000,000

Notwithstanding section 466A.5, moneys from the appropriation in this subsection shall not be used for administrative purposes.

Sec. 40. 2010 Iowa Acts, chapter 1184, section 14, is amended to read as follows:

SEC. 14. There is appropriated from the ~~FY 2009 prison bonding fund created pursuant to section 12.79~~ rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated, notwithstanding section 8.57, subsection 6, paragraph "c":

~~For costs associated with the building of a new Iowa State penitentiary at Fort Madison~~ project management costs at Fort Madison and Mitchellville prisons, associated with construction projects at the department:

..... \$ 322,500

~~The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer of state pursuant to section 12.80.~~

Sec. 41. 2010 Iowa Acts, chapter 1184, section 37, is amended to read as follows:

SEC. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July

1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing site development consultations pursuant to section 15E.18, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, notwithstanding section 12.82, subsection 1:

.....	\$	175,000
.....	FTEs	1.00

Of the moneys appropriated to the department pursuant to this section, the department may allocate up to \$75,000 for purposes of contracting with third parties to provide site development consultations.

Sec. 42. 2010 Iowa Acts, chapter 1184, section 39, is amended to read as follows:

SEC. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of creating a business assistance internet site, notwithstanding section 12.82, subsection 1:

.....	\$	20,000
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Sec. 43. 2010 Iowa Acts, chapter 1184, section 43, is amended to read as follows:

SEC. 43. SAVE OUR SMALL BUSINESSES FUND

APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for deposit in the save our small businesses fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 12.82, subsection 1:

For purposes of providing financial assistance under the save our small businesses program under section 15.301:

.....	\$	5,000,000
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Of the moneys appropriated pursuant to this section, the department may allocate an amount not to exceed two percent of the moneys appropriated for purposes of retaining the services of an organization designated pursuant to section 15.301, subsection 2, paragraph "b".

Sec. 44. 2010 Iowa Acts, chapter 1193, section 6, is amended to read as follows:

SEC. 6. INSTRUCTIONAL SUPPORT STATE AID — APPROPRIATION. In lieu of the appropriation provided in section 257.20, there is appropriated from the school infrastructure fund created in section 12.82, subsection 1, to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying instructional support state aid for fiscal year 2010-2011, notwithstanding section 12.82, subsection 1:
..... \$ 7,500,000

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph shall be allocated in the same manner as the allocation of the appropriation was made for the same purpose in the previous fiscal year.

Sec. 45. 2011 Iowa Acts, House File 45, section 2, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. This subsection shall not apply to any appropriations for the fiscal year beginning July 1, 2010, receiving a supplemental appropriation under 2011 Iowa Acts, Senate File 209, or any multiyear appropriation that includes the fiscal year beginning July 1, 2009, for equipment as determined by the department of management.

Sec. 46. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, unless otherwise provided, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

Sec. 47. RETROACTIVE APPLICABILITY. The provision of this division of this Act amending 2011 Iowa Acts, House File 45, section 2, subsection 2, applies retroactively to March 7, 2011.

DIVISION X
MISCELLANEOUS

Sec. 48. WELCOME CENTER DESIGNATION. Notwithstanding any provision of section 15.272 to the contrary, the department of economic development shall by January 1, 2012, select a site in or near the city of Nashua for designation as a statewide welcome center under the statewide welcome center program.

Sec. 49. IOWA BUILDING LEASES. The department of

administrative services may utilize space in the Iowa building for purposes of entering into short-term leases with persons associated with the media who request space for the purpose of providing media coverage of the 2012 Iowa presidential caucuses. Moneys received pursuant to any such lease agreements shall be retained by and are appropriated to the department for purposes of operational costs of the Iowa building.

DIVISION XI
CONDITIONAL EFFECTIVE DATE
AND RETROACTIVE APPLICABILITY

Sec. 50. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

KRAIG PAULSEN
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 648, Eighty-fourth General Assembly.

W. CHARLES SMITHSON
Chief Clerk of the House

Approved _____, 2011

TERRY E. BRANSTAD
Governor